

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**CRIME. Creates the crime of cyberbullying.**

-----

DIGEST

Proposed law provides that cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, intimidate, harass, embarrass, or cause emotional distress to a person under the age of 17.

Proposed law defines "electronic textual, visual, written, or oral communication" as any communication of any kind made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service.

Proposed law provides for the following criminal penalties for the crime of cyberbullying:

- (1) A fine of not more than \$500, imprisonment for not more than six months, or both.
- (2) Upon a second conviction, a fine of not more than \$2,000, imprisonment for not more than one year, or both.
- (3) Upon a third or subsequent conviction, a fine of not more than \$5,000, imprisonment for not less than one year and not more than three years, or both.
- (4) When the offender is over the age of 18 he shall be fined not more than \$3,000 or imprisoned for not more than one year, or both.

(Adds R.S. 14:40.7)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Changed the elements of the crime to apply only to victims who are under the age of 17.

House Floor Amendments to the engrossed bill.

1. Deleted "frighten" as an element of the offense.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill.

1. Adds "will and malicious" to the definition of Cyberbullying.
2. Provides for whoever commits the crime of Cyberbullying when the offender is over the age of 18 shall be fined not more than \$3,000 or imprisoned for not more than one year, or both.